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C O N F I D E N T I A L BOGOTA 008495

SIPDIS

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TAGS: [KJUS](#) [PGOV](#) [PREL](#) [PTER](#) [CO](#) [AUC](#)

SUBJECT: SUPREME COURT APPROVES DON BERNA'S EXTRADITION;
URIBE HAS FINAL SAY

Classified By: Ambassador William B. Wood for reasons 1.4 (b) and (d)

1. (C) On September 7, Colombia's Supreme Court approved the U.S. extradition request for paramilitary commander Diego Murillo, AKA "Don Berna," and transmitted the case to the President for his decision. The approval occurred in much less than normal time for such a decision (less than a third of the time the Simon Trinidad extradition took for example).

The USG seeks his extradition for narcotrafficking crimes committed after 1998. Berna has been a key negotiator for the United Self-Defenses of Colombia (AUC), and is currently involved in the U.S.-supported paramilitary demobilization process. In private, President Uribe has expressed his reluctance to extradite leaders who are actively advancing the peace process.

2. (U) Following a highly-publicized GOC hunt for Don Berna in May, the GOC placed him under house arrest on a farm in the municipality of Piedras de Valencia, Cordoba Department. In July 2004, the GOC suspended arrest warrants for negotiating paramilitaries to encourage their full participation in the peace process. The suspended arrest warrant for other AUC leaders effectively postponed extradition proceedings for them, but Don Berna's house arrest status allowed his extradition process to proceed.

3. (C) President Uribe suspended a decision on AUC leader Salvatore Mancuso's extradition, saying that his cooperation in the peace and demobilization processes made immediate extradition inappropriate.

COMMENT

4. (C) The Supreme Court may have set a political trap for Uribe whether by design or not. Don Berna is a key player in the paramilitaries now and maintains much influence over others in the paramilitary groups. If Uribe extradites him, the GOC risks a severe backlash. The slow pace of reintegration of paramilitaries due to resource constraints could mean the peace process is at least partially reversible. If Uribe does not extradite Don Berna, he may be seen as cooperating with paramilitaries and he may risk charges from NGOs and the Colombian left (normally not/not friends of extradition) that his government is not prosecuting the paramilitaries. End Comment.

WOOD